HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No.188/2006

CORAM: Hon'ble Shri **S.R.Nayak**, Chief Justice &
Hon'ble Shri **Dilip Raosaheb Deshmukh**, J.

Appellant Non-Applicant No.3	:	The New India Assurance Company limited, Transport Nagar, Korba, Tahsil & Dist. Korba through Branch Manager.
		Versus
RESPONDENTS Applicants	: 1.	Prem Bai, aged 26 years, Wd/o Anjor Singh, resident of village Pasid, Tahsil Sarangarh, Dist. Raigarh (C.G.)
	: 2.	Gajarat Singh, aged 9 years, S/o Anjor Singh, Minor through guardian mother Prem Bai, Wd/o Anjor Singh, resident of village Pasid, Tahsil Sarangarh, Dist. Raigarh (C.G.)
RESPONDENTS Non-Applicants No.1, 2, 3 & 4, 5.	: 3.	K. Gopi, S/o Sadan Swami, Aged 40 years, Resident of Dipika, Basti Hardibazar, Tahsil Katghora, Dist. Korba (C.G.)
	: 4.	M/s Karamjeet Singh & Company, Darri Road, Korba, Tahsil & Distt. Korba (C.G.)
	: 5.	Sardar Guruvachan Singh, S/o not known, aged 50 years, Transport Operator, Main Road, Korbad, Gevra Project, Korba (C.G.)
	: 6.	Maniram, S/o Dilanand, aged 40 years, Resident of Labour Colliery, Darri, Tahsil & Distt. Korba.

Shri Srikumar Agrawal, Sr. Advocate with Shri Anand Gupta, counsel for the appellant.

ORAL ORDER
(Passed on 5.4.2006)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

In an accidental death case, the only point urged by the learned counsel for the appellant before this Court is that the learned M.A.C.T. ought to have apportioned the liability between the owners of the two collided vehicles since the vehicle in front did not apply breaks after due caution. However, a perusal of the pleadings of the Insurance-Company before the learned M.A.C.T. shows that no such point was either raised or urged nor any

evidence was adduced in that regard. In that view of the matter, the point now urged to assail the validity of the impugned award is untenable.

2. The appeal is, therefore, dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Ayjani